

MONDAY, MARCH 25, 1996

SEVENTY-EIGHTH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Dr. Larry Locke, College St. Church of Christ, Lebanon, Tennessee.

Representative Bell led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 97

Representatives present and not voting were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Duer; personal reasons.

Representative Miller; personal reasons.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 451: Rep(s). West and McDonald as prime sponsor(s).

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House Bill No. 30: Rep(s). Ford, Curtiss, Joyce, Jackson, McDaniel, Newton, Ramsey, Cantrell, Clabough, Kerr, Hassell, Beavers and Bird. as prime sponsor(s).

House Bill No. 2067: Rep(s). Givens, Williams(Union), Fitzhugh, White, Kent, Cole(Carter), Peach, Pinion, Ridgeway, Jackson, McDaniel, Turner(Hamilton) and Cole(Dyer) as prime sponsor(s).

House Bill No. 2187: Rep(s). Givens, Phelan, Cole(Dyer) and Rinks as prime sponsor(s).

House Bill No. 2342: Rep(s). Jackson, Kent, Cole(Carter), Turner(Hamilton) as prime sponsor(s).

**MESSAGE FROM THE GOVERNOR
March 25, 1996**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 2033, 2048, 2053, 2104, 2231, 2405, 2582 and 2594, with his approval.

HARDY MAYS, Counsel to the Governor.

**MESSAGE FROM THE SENATE
March 25, 1996**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 3019; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 3019 --** Insurance Companies, Agents, Brokers - Requires commissioner to examine title insurance rating organizations at least once in four years. Amends TCA Title 56, Chapter 35. by *Rochelle.

**MESSAGE FROM THE SENATE
March 25, 1996**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 396; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 396 -- Memorials, Death - Miss Nell Erin Curtis. by *Crowe.

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for March 27, 1996:

House Resolution No. 196 -- Memorials, Sports - William Smith. by *Buck, *Bragg.

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House Resolution No. 197 -- Memorials, Recognition and Thanks - Hope for Memphis Crusade. by *Brooks.

House Joint Resolution No. 493 -- Memorials, Retirement - JoAnn Carver. by *Halteman Harwell.

House Joint Resolution No. 494 -- Memorials, Death - Dr. Harry J. Guffee. by *Miller L, *Callicott.

House Joint Resolution No. 495 -- Memorials, Recognition and Thanks - Michael Brian Fann, 1996 Jaycees Outstanding Young Tennessean Award.". by *Lewis.

House Joint Resolution No. 496 -- Memorials, Sports - 1995-1996 Jackson Central-Merry High School girls' basketball team. by *Kisber, *McDaniel.

House Joint Resolution No. 497 -- Memorials, Sports - Memphis East High School boys' basketball team, 1995-96 Class AAA state champions. by *Buck, *Naifeh, *Brooks, *Kernell, *Jones U (Shelby).

House Joint Resolution No. 498 -- Memorials, Death - Representative Harold M. Love of Nashville. by *Langster, *Pruitt, *Purcell, *Jones, S., *Halteman Harwell, *Naifeh, *Armstrong, *West, *Odom, *Robinson, *Arriola, *Stamps, *Jones U (Shelby), *DeBerry L, *Brooks, *Jones R (Shelby), *Chumney, *Towns, *Brown, *Turner (Shelby).

**SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for March 27, 1996:

Senate Joint Resolution No. 374 -- Memorials, Professional Achievement - Paula Hayes, Tennessee Teacher of the Year nominee. by *Rice.

Senate Joint Resolution No. 375 -- Memorials, Professional Achievement - Linda Davis, Tennessee Teacher of the Year nominee. by *Rice.

Senate Joint Resolution No. 376 -- Memorials, Sports - Ollie Keller, Tennessee Sports Hall of Fame inductee. by *Gilbert, *Cohen, *Henry.

Senate Joint Resolution No. 377 -- Memorials, Professional Achievement - Virginia Faye Hochnedel. by *Koella, *Burks, *Atchley.

Senate Joint Resolution No. 378 -- Memorials, Death - James Russell Moore. by *Wright.

Senate Joint Resolution No. 379 -- Memorials, Professional Achievement - Joan Gustafson, state teachers award nominee. by *Rice.

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Senate Joint Resolution No. 380 -- Memorials, Personal Occasion - Paul and Charlotte Hughes, 50th wedding anniversary. by *Crutchfield.

Senate Joint Resolution No. 381 -- Memorials, Recognition and Thanks - Andrew Johnson Elementary School, WellKids program. by *Holcomb.

Senate Joint Resolution No. 382 -- Memorials, Recognition and Thanks - Andrew Jackson Elementary School, Wellkids program. by *Holcomb.

Senate Joint Resolution No. 383 -- Memorials, Death - John C. Yeary. by *Holcomb.

Senate Joint Resolution No. 396 -- Memorials, Death - Miss Nell Erin Curtis. by *Crowe.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

***Senate Bill No. 2234** -- Highways, Roads and Bridges - Includes segment of S.R. 169 (Middlebrook Road) in Knox County in scenic highway system. Amends TCA Title 54, Chapter 17. by *Gilbert.

***Senate Bill No. 2461** -- Business and Commerce - Requires vendors selling new and unused personal property at flea markets to maintain records of where such property was obtained; makes such records open for inspection by law enforcement officers. Amends TCA Title 39, Chapter 14, Part 1. by *McNally.

Senate Bill No. 2497 -- Health - Enacts "Hepatitis A Protection and Control Act.". by *Ford J.

***Senate Bill No. 2601** -- Gas, Petroleum Products, Volatile Oils - Establishes procedures relative to underground petroleum storage tanks when lender acquires such property by foreclosure on security interest. by *Leatherwood.

***Senate Bill No. 2720** -- Environmental Preservation - Increases scope of petroleum cleanup criteria under Petroleum Underground Storage Act by retroactively applying it to soil and groundwater; applies to soil and groundwater in any mandatory cleanup of petroleum. Amends TCA Section 68-215-102 and 68-215-127. by *Kyle.

Senate Bill No. 2875 -- Sexual Offenses - Prohibits expungement of record of person pleading guilty to sex offenses against minor. Amends TCA Section 40-15-105 and Section 40-35-313. by *Leatherwood, *Person.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 3271 -- Hamilton County -- Local Bill Held on House Desk

House Bill No. 3272 -- Hamilton County -- Local Bill Held on House Desk

House Bill No. 3273 -- Hamilton County -- Local Bill Held on House Desk

House Bill No. 3274 -- Lauderdale County -- Local Bill Held on House Desk

House Bill No. 3275 -- Manchester -- Local Bill Held on House Desk

House Bill No. 3276 -- Englewood -- Local Bill Held on House Desk

House Bill No. 3277 -- Clarksville -- Local Bill Held on House Desk

House Bill No. 3278 -- Marshall County -- Local Bill Held on House Desk

CONSENT CALENDAR

House Bill No. 2845 -- Osteopathy - Revises requirements and criteria for issuing licenses as well as training requirements for osteopathic physicians. Amends TCA Title 63, Chapter 9, Part 1. by *Armstrong. (*SB2510 by *Crowe)

On motion, House Bill No. 2845 was made to conform with **Senate Bill No. 2510**; the Senate Bill was substituted for the House Bill.

House Bill No. 2847 -- Malpractice, Professional - Extends requirement for reporting by insurance companies to state board of medical examiners of settlement or judgment in malpractice claims against licensed physician to include reporting to state board of osteopathic examination for claims against doctor of osteopathic medicine. Amends TCA Section 56-3-111. by *Armstrong. (*SB2512 by *Crowe)

On motion, House Bill No. 2847 was made to conform with **Senate Bill No. 2512**; the Senate Bill was substituted for the House Bill.

***House Bill No. 1956** -- Pardons and Paroles - Authorizes increase in number of members of work release commissions in counties other than Davidson from three up to 12. Amends TCA Section 41-2-134(c). by *Kent. (SB1975 by *Kyle)

On motion, House Bill No. 1956 was made to conform with **Senate Bill No. 1975**; the Senate Bill was substituted for the House Bill.

House Bill No. 1926 -- Hamilton County - Subject to local approval, authorizes service of process in civil cases in general sessions court to be issued as provided by Rules 4 and 5 of TRCP. by *Wood. (*SB1920 by *Fowler)

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***House Bill No. 2820** -- Law Enforcement - Authorizes county executive, or designee, in Shelby County, to establish policies to employ and commission county security officers having police powers. Amends TCA Title 5, Chapter 7, by *Kent. (SB2985 by *Person)

On motion, House Bill No. 2820 was made to conform with **Senate Bill No. 2985**; the Senate Bill was substituted for the House Bill.

House Bill No. 3075 -- Consumer Protection - Creates consumer education fund associated with department of commerce and insurance to promote consumer education and awareness. Amends TCA Title 47, Chapter 18, Part 50, by *Beavers, *Stamps, *McDaniel, *McAfee, *Bird, *Brooks, *Cantrell, *Newton, *Kerr, *Clabough. (*SB2939 by *Jordan)

***House Joint Resolution No. 449** -- Highway Signs - "Brigadier General Austin C. Shofner Highway," segment of U.S. 41-A, Bedford County, by *Phillips.

***House Bill No. 2288** -- Historical Sites - Authorizes state to sell certain land to non-profit corporations which contains building of historical significance under certain conditions. Amends TCA Title 4, Chapter 13 and Title 12, Chapter 2, Part 1, by *Beavers. (SB2422 by *Jordan)

House Bill No. 2280 -- Highway Signs - "Ike M. Shoffner Memorial Bridge," Indian Creek Crossing on S.R. 63, Claiborne County, by *Williams (Union). (*SB2128 by *Wallace)

On motion, House Bill No. 2280 was made to conform with **Senate Bill No. 2128**; the Senate Bill was substituted for the House Bill.

House Bill No. 3249 -- Alamo - Subject to local approval, increases maximum monthly salary for mayor from \$300 to \$500; increases term of office for board of mayor and aldermen positions from two to four years. Amends Chapter 557 of the Private Acts of 1911; as amended, by *Cole (Dyer). (SB3241 by *Wilder)

House Bill No. 3265 -- Dekalb County - Subject to local approval, increases competitive bidding and nonpublication purchase limits of county purchasing agent from \$1,500 to \$5,000. Amends Chapter 63 of the Private Acts of 1979; as amended, by *Buck. (SB3261 by *Burks)

House Bill No. 3266 -- Lewisburg - Subject to local approval, revises city charter. Amends Chapter 36 of the Private Acts of 1961, as amended, by *Fowlkes. (SB3253 by *Jordan)

***House Bill No. 1958** -- Bail, Bail Bonds - Replaces requirement that victim be sent certified copy of any conditional release conditions placed upon defendant with requirement that victim be sent copy at last known address or given copy if present when conditions imposed. Amends TCA Title 40, Chapter 11, Part 1 and Title 40, Chapter 7, Part 1, by *McMillan. (SB2182 by *Kyle)

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On motion, House Bill No. 1958 was made to conform with **Senate Bill No. 2182**; the Senate Bill was substituted for the House Bill.

House Bill No. 3216 -- Professions and Occupations - Authorizes board of professional counselors and marital and family therapists to issue temporary licenses as mental health service provider to persons completing required academic coursework and examination, but who lack necessary supervised experience. Amends TCA Title 63, Chapter 22, Part 1. by *Lewis. (*SB3081 by *Crowe)

House Bill No. 2999 -- Naming and Designating - "Nell J. Garland Administration Building," campus of Tennessee Correction Academy, Tullahoma. by *Lewis, *Rigsby, *Bragg, *Rhinehart. (*SB2989 by *Cooper, *Henry, *O'Brien)

On motion, House Bill No. 2999 was made to conform with **Senate Bill No. 2989**; the Senate Bill was substituted for the House Bill.

House Bill No. 2952 -- County Boundaries - Includes 1,741 acres more or less in District 9 of Sevier County presently located in District 13 of Blount County. by *Huskey, *Clabough, *Kerr. (*SB3052 by *Koella)

On motion, House Bill No. 2952 was made to conform with **Senate Bill No. 3052**; the Senate Bill was substituted for the House Bill.

House Joint Resolution No. 380 -- Naming and Designating - "Widows Day," June 16, 1996. by *Davis.

Senate Joint Resolution No. 366 -- Memorials, Professional Achievement - Dr. Julie Brown Williams, Milken Family Foundation National Educator Award. by *Haynes, *Harper.

Senate Joint Resolution No. 370 -- Memorials, Recognition and Thanks - Washington County Jonesborough Library, 100th Anniversary. by *Womack.

Senate Joint Resolution No. 371 -- Memorials, Sports - 1995-1996 Central Middle School boys' basketball team, James C. Haile Tournament state champions. by *Womack.

Senate Joint Resolution No. 372 -- Memorials, Sports - 1995-1996 William James Junior High School girls' basketball team. by *Springer.

Senate Joint Resolution No. 387 -- Memorials, Sports - 1995-1996 Austin Peay State University men's basketball team, Ohio Valley Conference champions. by *Rice, *Atchley, *Burks, *Carter, *Cohen, *Cooper, *Crowe, *Crutchfield, *Dixon, *Elsea, *Ford J, *Fowler, *Gilbert, *Hamilton, *Harper, *Haun, *Haynes, *Henry, *Holcomb, *Jordan, *Koella, *Kyle, *Leatherwood, *McNally, *Miller J, *O'Brien, *Person, *Rochelle, *Springer, *Wallace, *Wilder, *Womack, *Wright.

Senate Joint Resolution No. 388 -- Memorials, Sports - 1995-1996 Austin Peay State University women's basketball team, Ohio Valley Conference regular season and tournament champions. by *Rice.

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Senate Joint Resolution No. 389 -- Memorials, Death - Robert Bellamy, County Commissioner. by *Rice, *Henry.

House Resolution No. 195 -- Memorials, Recognition and Thanks - Brenda K. Monroe-Moses, "So I'll Just Shine in Tennessee.". by *Kisber.

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

House Bill No. 1926; by Rep. Purcell.

Under the rules, House Bill No: 1926 was/were placed at the foot of the calendar for March 27, 1996.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.....	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

REGULAR CALENDAR

House Bill No. 1271 -- Contractors - Excludes contractors from alarm systems licensing requirements if such contractors deliver less than 45 percent of gross annual revenues from sales, monitoring installation and monitoring services of alarm systems. Amends TCA Title 62, Chapter 32, Part 3. by *Garrett. (*SB768 by *Haynes)

Further consideration of House Bill No. 1271, previously considered on May 15, 1995, May 18, 1995, March 4, 1996, and reset to today's Calendar.

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Rep. Garrett moved that House Bill No(s). 1271 be reset to the Regular Calendar for April 11, 1996, which motion prevailed.

***House Bill No. 2416** -- Cemeteries - Changes from net income earned from improvement care trust fund to net earnings that is to be for improvement care for cemetery companies. Amends TCA Section 46-2-302. by *Byrd. (SB2757 by *Ford J)

Further consideration of House Bill No. 2146, previously considered on March 11, 1996 and March 18, 1996, and reset to today's Calendar.

On motion, House Bill No. 2416 was made to conform with **Senate Bill No. 2757**; the Senate Bill was substituted for the House Bill.

Rep. Byrd moved that **Senate Bill No. 2757** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	95
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 2681 -- Banks and Financial Institutions - Revises law concerning banking. Amends TCA Section 35-50-107; Title 45, and Title 48, Chapter 2, and Chapter 165 of the Public Acts of 1995. by *Hargrove, *Cole (Carter), *Bittle, *Rhinehart, *Rinks, *McDaniel, *Fitzhugh, *Hassell. (*SB2666 by *Cooper)

On motion, House Bill No. 2681 was made to conform with **Senate Bill No. 2666**; the Senate Bill was substituted for the House Bill.

Rep. Hargrove moved that Senate Bill No. 2666, be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

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Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 2666 by designating the existing language of Section 26(b) as subdivision (1) and by adding the following new subdivision:

(2) The bank shall publish at the bank's expense the report in a newspaper of general circulation distributed in the city or county where the main office of the bank is located. The newspaper may not charge more than its usual advertising rate for the publication of the bank's report.

AND FURTHER AMEND by adding at the end of Section 26(c) the following language:

Provided, however, a bank is not required to publish a copy of a special report in a newspaper.

AND FURTHER AMEND by deleting from Section 26 subsection (d) in its entirety.

On motion, Amendment No. 2 was adopted.

Rep. Hargrove moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND Senate Bill No. 2666 by inserting in the amendatory language of Section 22 in subsection (c)(1)(H) the words "the minor" between the words "with whom" and the words "resides".

On motion, Amendment No. 3 was adopted.

Rep. Hargrove moved that **Senate Bill No. 2666**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	90
Noes	2
Present and not voting.....	2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Napier, Newton, Odum, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Shelby), Venable, Walley, Westmoreland, White,

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Whitson, Williams (Union), Williams (Williamson), Winningham, Wood, Mr. Speaker Naifeh -- 90.

Representatives voting no were: Phillips, Turner (Hamilton) -- 2.

Representatives present and not voting were: West, Windle -- 2.

A motion to reconsider was tabled.

House Bill No. 2904 -- Courts, Criminal Appeal - Permits court of criminal appeals to sit in cities other than Knoxville, Nashville and Jackson; requires court to sit in panels of three judges unless presiding judge designates otherwise. Amends TCA Section 16-5-107. by *Hassell. (*SB2132 by *Person)

On motion, House Bill No. 2904 was made to conform with **Senate Bill No. 2132**; the Senate Bill was substituted for the House Bill.

Rep. Hassell moved that **Senate Bill No. 2132** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	94
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

House Bill No. 2187 -- Motor Vehicles, Titling and Registration - Directs the commissioner of safety to report to transportation committees of general assembly concerning fiscal and administrative impacts of special license plates on department of safety and county clerks. Amends TCA Title 55. by *White. (*SB2292 by *Springer)

Rep. White requested that House Bill No. 2187 be moved to the heel of the Calendar.

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***House Bill No. 2342** -- Sexual Offenses - Requires health care providers to report conditions indicative of statutory rape Amends TCA Title 38, Chapter 1. by *DeBerry J, *Brooks, *Pruitt, *Chumney, *Walley. (SB2482 by *Dixon)

Rep. DeBerry, J. moved that House Bill No. 2342 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2342 by deleting all language after the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Title 38, Chapter 1, is amended by adding the following as a new, appropriately designated part:

Section _____. The purpose of this part is to curtail the crime of statutory rape, to require the reporting of a condition believed to be indicative thereto, and, being necessary for the health, peace and safety of the public, to protect minors in a specified age range, who are not legally competent to consent to sex, from rape.

Section _____. (a) If, during any treatment or examination of any child between the ages of at least thirteen (13) but less than eighteen (18) years of age, a determination is made that such child is pregnant, and if it is learned during the course of the treatment or examination that the alleged father is at least four (4) years older than but not the legal spouse of the victim, in accordance with the provisions of Sections 39-13-506 and 39-13-507, the doctor, physician, surgeon, health care provider or other person examining or treating the child or diagnosing the condition is encouraged to, upon obtaining the consent of the patient, a parent, legal guardian or custodian, and within twenty-four (24) hours of the time of the treatment, examination or diagnosis, report the same by telephone or otherwise, to the judge having juvenile jurisdiction or to the office of sheriff or the chief law enforcement official of the municipality where the child resides.

(b) Injuries to minors which are required to be reported by Section 37-1-403 are not required to be reported under this part.

Section _____. The report may include, to the extent known by the doctor, physician, surgeon, health care provider or other person filing the report the name, address and age of the child; the name, address and age of the alleged father; the alleged father's whereabouts at the time the report is made; the results of the diagnosis and the facts requiring the report. The report may include any other pertinent information.

Section _____. Reports made under this part and the identity of the person filing the report are confidential except when the court having

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jurisdiction determines the testimony of the person reporting to be material to an indictment or conviction.

Section _____. When a person who is at least thirteen (13) years of age but less than eighteen (18) years of age, or a parent, legal guardian or custodian on behalf of such person, applies to the department of human services for child support services, aid to families with dependent children (AFDC) or any other program designed to provide similar public assistance, and the department determines from the application or during the course of any interview with the applicant that the father or alleged father of the child is at least four (4) years older than such child's mother, the department shall report such information indicating the occurrence of a possible statutory rape to the appropriate law enforcement agency and district attorney general.

Section 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. DeBerry, J. moved that **House Bill No. 2342**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

***House Bill No. 2486** -- Driver Licenses - Authorizes grandparent to agree to be financially responsible for minor in order for such minor to obtain learner's permit or license. Amends TCA Title 55, Chapter 50. by *Peach. (SB2932 by *Holcomb)

Rep. Peach moved that House Bill No(s). 2486 be reset to the Regular Calendar for April 11, 1996, which motion prevailed.

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***House Bill No. 30** -- Custody and Support - Allows revocation of driver license, hunting or fishing license or professional license of person delinquent in child support payments. Amends TCA Title 36, Chapter 5; Titles 50, 55, by *Walley, *Stamps, *Lewis, *Cole (Dyer), *Givens, *Tindell, *Haley, *McKee, *Patton, *Williams (Union), *Pinion, *Wood, *Huskey, *Dunn, *Cole (Carter), *Westmoreland, *Boyer. (SB258 by *Fowler)

Rep. Walley moved that House Bill No. 30 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 30 by deleting everything after the enacting clause and by substituting the following language:

SECTION 1. Tennessee Code Annotated, Title 36, Chapter 5, is amended by adding Sections 2 through 13 of this act as a new part:

SECTION 2. As used in this part unless the context otherwise requires:

- (1) "Arrears" is defined as any child support or spousal support associated with a child support order owed under a court or administrative order which is delinquent pursuant to Tennessee Code Annotated 36-5-501(b)(1), or any interest owed on those arrears.
- (2) "Commissioner" means the commissioner of human services.
- (3) "Certification" shall include, in addition to the necessary documentation which may be required for engaging in any profession, trade, occupation, business or industry, or to hunt, fish, or to operate a motor vehicle or other conveyance, the notification to the commissioner of employment security of persons who are being hired or re-hired by an employer.
- (4) "Department" means the department of human services.
- (5) "License" means a license, certification, registration, permit, approval or other similar document issued to an individual evidencing admission to or granting authority to engage in a profession, trade, occupation, business, or industry, to hunt or fish, or to operate any motor vehicle or other conveyance.

(6) "Licensee" means any individual holding a license, certification, registration, permit, approval, or other similar document evidencing admission to or granting authority to engage in a profession, trade, occupation, business, or industry, to hunt or fish, or to operate any motor vehicle or other conveyance.

(7) "Licensing authority" means the board, commission, or agency which has been established by statute or state regulation to oversee the issuance and regulation of any license. Excluded from this definition is any licensing authority established solely by the action and authority of a county or municipal government.

(8) "Not in compliance with an order of support" means that the obligor is five hundred dollars (\$500) or more in arrears and the arrears are ninety (90) days or more past due.

(9) "Obligee" means any individual to whom a duty of support is owed or any state or political subdivision to whom such duty has been assigned or which is collecting support on behalf of an obligee.

(10) "Obligor" means any individual owing a duty of support.

(11) "Order of support" means any judgment or order for the support of dependent children issued by any court of this state or another state, including an order in a final decree of divorce, or any order issued in accordance with an administrative procedure established by state law in this or another state that affords substantial due process and is subject to judicial review.

SECTION 3.

(a) The department shall serve upon an obligor who is not in compliance with an order of support, a notice that informs the obligor of the department's intention to submit the obligor's name to the appropriate licensing authority as a licensee who is not in compliance with an order of support.

(b) The notice shall state that:

(1) The obligor may request an administrative hearing to contest the issue of compliance;

(2) A request for a hearing must be made in writing and must be received by the department within twenty (20) days of service or that within twenty (20) days the obligor must contact the local IV-D agency and pay the arrears or make arrangement for the payment of the arrears which is satisfactory to the department.

(3) If the obligor requests a hearing within twenty (20) days of service, the department shall stay action to certify the obligor to any appropriate licensing authority for noncompliance with an order of support pending a decision after a hearing;

(4) If the obligor does not request a hearing within twenty (20) days of service and is not in compliance with an order of support, the department may certify the obligor to any appropriate licensing authority for noncompliance with a court order of support; and that

(5) If the department certifies the obligor to a licensing authority for noncompliance with an order of support, the licensing authority, notwithstanding any other provision of law to the contrary, must deny a renewal request or must revoke the obligor's license and refuse to issue or reissue a license until the obligor provides the licensing authority with a release from the department that states the obligor is in compliance with the obligor's support order.

(c) The notice to the obligor shall include the address and telephone number of the office of the department or its contractor that issues the notice and a statement of the need to obtain a release from that office as provided in Section 8 in order to allow the obligor's license to be issued, renewed or reinstated. The notice shall be served by certified mail, return receipt requested, or by personal service with an affidavit of service completed by an authorized representative of the commissioner.

SECTION 4.

(a) An obligor may request an administrative hearing upon receiving the notice described in Section 3 to contest the department's intention to issue a finding of non-compliance to a licensing authority. The request for hearing must be made in writing and must be received by the department within twenty (20) days of the date the notice is issued.

(b) The department shall conduct a hearing in accordance with the provisions of § 4-5-301 et seq.; provided, however, notwithstanding any law or rule to the contrary, the sworn certificate of the department, or its agent, or the Title IV-D agency of another state regarding the issues in subsection (c)(1) and (2) shall be admissible in evidence and shall constitute a rebuttable presumption of the obligor's status.

c) The only issues for consideration at the administrative hearing shall be:

(1) Whether the licensee is an obligor required to pay child support under a court or administrative order; and

(2) Whether the obligor is not in compliance with a court or administrative order of support as defined in this part.

SECTION 5.

(a) If an obligor timely requests a hearing to contest the issue of compliance, the department may not certify the name of the obligor to the licensing authority for noncompliance with an order of support until the department issues a decision after a hearing that finds the obligor is not in compliance with an order of support; provided, however, that after a decision by the department has been made in the form of a final order as provided in § 4-5-315, there will be no further stay unless a reviewing court issues a stay.

(b) Notwithstanding any law to the contrary, the department is authorized to assess costs of the unsuccessful appeal of notices of noncompliance to the obligor. The department may, by motion in the court with jurisdiction over the support order, recover such costs against the obligor and the court shall direct the obligor to pay such costs to the department.

SECTION 6. (a) The department may certify to the licensing authority in writing or by electronic data exchange that an obligor is not in compliance with an order of support if:

(1) The obligor does not timely request a hearing upon service of notice issued under Section 3 and is not in compliance with an order of support twenty-one (21) days after service of the notice;

(2) The department issues a decision after a hearing that finds the obligor is not in compliance with an order of support; or

(3) A court, upon a petition for judicial review of the department's decision after its issuance of a stay of that decision pending its ruling, enters a judgment that upholds the department's finding that the obligor is not in compliance with an order of support.

SECTION 7.

(a) The certification from the department under Section 6 shall be, notwithstanding any other law, rule or regulation to the contrary, a basis for the denial or refusal to issue a license or to suspend or revoke a license by a licensing authority.

(b) The licensing authority shall notify, without undue delay, by regular mail, an obligor certified from the department under Section 6, that the obligor's application for the issuance or renewal of a license may not be granted or that the obligor's current license will be suspended or revoked because the obligor's name has been certified by the department as an obligor who is not in compliance with an order of support.

(c) A notice of suspension must specify the reason and statutory grounds for the suspension and the effective date of the suspension and may include any other notices prescribed by the licensing authority. The notice must inform the individual that in order to apply for reinstatement, the individual must obtain a release from the department of human services in accordance with Section 8.

(d) A notice to the obligor by the licensing authority to revoke, deny, suspend, or refuse to renew a license after receipt of the notice of noncompliance from the department shall not be appealable under § 4-5-301 et seq.

SECTION 8.

(a) When an obligor who is served notice under Section 3 complies with the order of support or enters into an agreed order with the department that satisfactorily reduces the arrears together with a reasonable payment on said arrears, as determined by the department, the department shall provide the licensing authority with written or electronic data exchange confirmation that the obligor is in reasonable or full compliance with the order and issue a release to the obligor.

(b)

(1) Upon receipt of the written confirmation of reasonable or full compliance, the licensing authority shall issue or extend the obligor's license, or withdraw any revocation of the obligor's license and shall reinstate the obligor's license; provided, that all other applicable licensing requirements are met by the obligor.

(2) After receipt of the written confirmation or electronic data exchange from the department confirming substantial or full compliance, the obligor would then be eligible for reinstatement of any licensing privilege; provided, however, the obligor must meet all other requirements for reinstatement. The obligor will be required to pay any applicable reinstatement fee as determined by the licensing agencies.

(3) The licensing authority reinstating the license may charge a fee for reinstating the license to be determined by the licensing authority.

SECTION 9. The department shall have authority to adopt any necessary rules to implement and enforce the requirements of this act in accordance with the Uniform Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 10. The various licensing authorities shall cooperate with the department in any manner necessary to effectuate this act, and the department and the various licensing authorities shall enter into any necessary agreements to carry out the purposes of this act.

SECTION 11. On or before January 1, 1996, or as soon thereafter as economically feasible and at least annually thereafter, all licensing authorities subject to this act shall provide to the department specified information on magnetic tape or other machine-readable format or enter into such agreement with the commissioner of human services for the transfer of such data, according to standards established by the department, about applicants for licensure and all current licensees. The information provided must include:

- (1) Name;
- (2) Date of birth;
- (3) Address of record;

- (4) Federal employer identification number or social security number;
- (5) Physical description, if available;
- (6) Type of license;
- (7) Effective date of license or renewal
- (8) Expiration date of license; and
- (9) Active or inactive status of the license.

SECTION 12. In furtherance of the public policy of increasing collection of child support, the department shall report the following to the general assembly and the governor on January 31, 1997, and annually thereafter:

- (1) The number of obligors identified as licensees subject to this act;
- (2) The number of obligors identified by the department under this act who are not in compliance with an order of support; and
- (3) The number of actions taken by the department under this act and the results of those actions.

SECTION 13.

(a) In addition to other qualifications for licensure or registration and conditions for continuing eligibility to hold a license as prescribed by law, rule or regulation issued under the provisions of Tennessee Code Annotated, Titles 43, 44, 45, 55, 56, 62, 63, 68, 70 or 71, for an individual to engage in a profession, trade, occupation, business, or industry, or to hunt or fish, applicants for licensure, certification or registration, and licensees renewing their licenses, and existing licensees, must also comply with the requirements of Sections 2 through 9 of this act.

(b) The Supreme Court is encouraged to establish guidelines to suspend the license of an attorney who fails to comply with the requirements of Sections 2 through 9 of this act.

SECTION 14. For purposes of promulgating rules and regulations, this act shall take effect upon becoming a law, the public

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welfare requiring it. For all other purposes this act shall take effect January 1, 1996, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 30 by deleting the amendatory language of subsection (a) of Section 3 of Amendment No. 1 in its entirety and by substituting instead the following language:

(a) In Title IV-D child support cases, or where an obligee has made an application with the department or its contractors for Title IV-D child support services and has filed an affidavit stating that the obligor is not in compliance with an order of support as defined in this part, the department may serve upon the obligor a notice that informs the obligor of the department's intention to submit the obligor's name to the appropriate licensing authority as a licensee who is not in compliance with an order of support.

On motion, Amendment No. 2 was adopted.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 3 as follows:

Amendment No. 3

AMEND House Bill No. 30 by deleting from the amendatory language of Section 3(b)(2), (b)(3), (b)(4) and Section 4(a) the following:

"twenty (20) days"

and substituting instead the following:

"fifty (50) days"

On motion, Amendment No. 3 was adopted.

Rep. Walley moved adoption of Amendment No. 4 as follows:

Amendment No. 4

AMEND House Bill No. 30 by deleting subsection (b) of Section 8 of House Judiciary Committee Amendment No. 1 in its entirety and by substituting instead the following:

(b)(1) Upon receipt of the written confirmation of reasonable or full compliance, the licensing authority shall issue or extend the obligor's license, or withdraw any denial, revocation or suspension of the obligor's license; provided, however, that all other applicable licensing requirements are met by the obligor. If all other applicable licensing requirements are met by the obligor, the obligor shall not, however, be required to be re-tested or re-certified for a license which was valid and which was held in good standing by the obligor, or for which the obligor had been determined otherwise eligible by the licensing authority to receive, prior to the revocation or suspension or denial of such license pursuant to this part, and which license was revoked, suspended or denied solely pursuant to the provisions of this part.

(2) If subsequent to the revocation, suspension or denial of the license, and prior to the date on which the next periodic licensing would be due, the license is restored or issued by the licensing authority due to reasonable or full compliance, the obligor shall not be required to pay a new periodic license fee for the period remaining before the next periodic licensing fee would be due; provided, however, the licensing authority may impose a reasonable reinstatement fee not to exceed five dollars (\$5.00) for processing of the restoration or issuance of the license at any time.

AND FURTHER AMEND Section 11 of House Judiciary Committee
Amendment No. 1 by deleting the word, figures and punctuation "January 1, 1996"
and by substituting instead the word, figures and punctuation "July 1, 1996".

AND FURTHER AMEND Section 12 of House Judiciary Committee
Amendment No. 1 by deleting the word, figures and punctuation "January 31, 1997"
and by substituting instead the word, figures, and punctuation "January 31, 1998".

AND FURTHER AMEND Section 14 of House Judiciary Committee
Amendment No. 1 by deleting the word, figures and punctuation "January 1, 1996"
and by substituting instead the words, figures and punctuation "July 1, 1996".

On motion, Amendment No. 4 was adopted.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

REGULAR CALENDAR, CONTINUED

Rep. Jones, R (Shelby) moved adoption of Amendment No. 5.

Amendment No. 5

AMEND House Bill No. 30 by adding a new section to proceed the effective date section:

Section _____. All child support payments collected pursuant to this act, after deducting court costs, shall be remitted to the obligee.

Rep. Walley moved that Amendment No. 5 be tabled, which motion prevailed by the following vote:

Ayes.....	61
Noes	19
Present and not voting.....	1

Representatives voting aye were: Beavers, Bird, Bittle, Boyer, Bragg, Buck, Burchett, Byrd, Callicott, Cantrell, Clabough, Coffey, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis, Dunn, Eckles, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hassell, Head, Herron, Huskey, Jackson, Joyce, Kent, Kerr, McAfee, McDaniel, McDonald, McKee, McMillan, Napier, Newton, Patton, Peach, Phelan, Pinion, Ramsey, Rhinehart, Rinks, Roach, Robinson, Sharp, Shirley, Stamps, Tindell, Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Wood -- 61.

Representatives voting no were: Armstrong, Bell, Bowers, Brooks, Brown, DeBerry, J., Fitzhugh, Garrett, Jones, R. (Shelby), Jones, U. (Shelby), Kernell, Rigsby, Ritchie, Stulce, Towns, Turner (Hamilton), Turner (Shelby), Williams (Williamson), Windle -- 19.

Representatives present and not voting were: Pruitt -- 1.

Rep. Turner (Shelby) moved adoption of Amendment No. 6.

Amendment No. 6

AMEND House Bill No. 30 by adding the following new section to be appropriately designated:

SECTION _____. Notwithstanding any other provision of this act to the contrary, no person's driver license shall be suspended or revoked solely on account of that person's failure to make child support payment.

Rep. Walley moved that Amendment No. 6 be tabled, which motion prevailed by the following vote:

Ayes.....	73
Noes	14

Representatives voting aye were: Beavers, Bell, Bird, Bittle, Boyer, Bragg, Buck, Burchett, Byrd, Callicott, Cantrell, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley,

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Halteman Harwell, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, S., Joyce, Kent, Kerr, McAfee, McDaniel, McDonald, McKee, McMillan, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Windle, Winningham, Wood -- 73.

Representatives voting no were: Armstrong, Arriola, Bowers, Brooks, Brown, Chumney, Jones, R. (Shelby), Jones, U. (Shelby), Kernell, Langster, Pruitt, Towns, Turner (Hamilton), Turner (Shelby) -- 14.

Rep. McDaniel moved the previous question, which motion prevailed by the following vote:

Ayes	72
Noes	14

Representatives voting aye were: Beavers, Bell, Bird, Bittle, Boyer, Bragg, Buck, Burchett, Byrd, Callicott, Cantrell, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, Eckles, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, S., Joyce, Kent, Kerr, Kisber, McAfee, McDaniel, McDonald, McKee, McMillan, Napier, Newton, Patton, Phelan, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Tindell, Turner (Hamilton), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Windle, Winningham, Wood -- 72.

Representatives voting no were: Armstrong, Bowers, Brooks, Brown, Chumney, Dunn, Fitzhugh, Jones, R. (Shelby), Jones, U. (Shelby), Kernell, Odom, Stulce, Towns, Turner (Shelby) -- 14.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

Rep. Walley moved that **House Bill No. 30**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	85
Noes	4
Present and not voting	4

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Boyer, Bragg, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Joyce, Kent, Kerr, Kisber, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach,

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Robinson, Sharp, Stamps, Stulce, Tindell, Turner (Hamilton), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 85.

Representatives voting no were: Brown, Jones, U. (Shelby), Towns, Turner (Shelby) -- 4.

Representatives present and not voting were: Bowers, Brooks, Kernell, Langster -- 4.

A motion to reconsider was tabled.

***House Bill No. 2067** -- Crime, Victims of - Requires department of correction to notify victim at least 90 days prior to release of inmate with sentence of two years or more if inmate being released because sentence expires. Amends TCA Section 40-38-103 and Title 41, Chapter 21, Part 2. by *Herron, *Ridgeway, *Jackson, *Westmoreland, *Phelan, *Pinion, *Cole (Dyer), *Williams (Williamson), *White. (SB2171 by *Cohen)

Further consideration of House Bill No. 2067, previously considered on March 21, 1996, and reset to today's calendar.

On motion, House Bill No. 2067 was made to conform with **Senate Bill No. 2171**; the Senate Bill was substituted for the House Bill.

Rep. Herron moved that Senate Bill No. 2171, be passed on third and final consideration.

On motion, Rep. Jones, R. (Shelby) withdrew State & Local Government Committee Amendment No. 1.

Rep. Herron moved that **Senate Bill No. 2171** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	97
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

***House Joint Resolution No. 451** -- General Assembly, Confirmation of Appointment - Sara Kyle, Tennessee regulatory authority. by *Naifeh, *Purcell, *DeBerry L, *Ridgeway, *Rinks, *Jones, S., *Hargrove, *Chumney, *Turner (Hamilton), *Pruitt, *Brooks, *Langster, *Odom, *Garrett, *Windle, *Bowers, *Jackson, *Brown, *Eckles, *McMillan, *Curtiss, *Jones U (Shelby), *Joyce, *Kernell, *Towns, *Turner (Shelby), *Byrd, *DeBerry J, *Jones R (Shelby), *Miller L, *Napier, *Bragg, *Fowlkes, *Cole (Dyer), *Westmoreland, *Phelan, *Pinion, *Givens, *Rigsby, *Buck, *White, *Fitzhugh, *Herron, *Williams (Williamson).

Rep. Purcell moved that **House Joint Resolution No. 451** be adopted, which motion prevailed by the following vote:

Ayes..... 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

***House Joint Resolution No. 453** -- General Assembly, Confirmation of Appointment - H. Lynn Greer, Jr., Tennessee Regulatory Authority. by *Bittle, *McAfee, *Davis, *Gunnels, *Venable, *Newton, *Beavers, *Hassell, *Stamps, *McDaniel, *Sharp, *Wood, *Williams (Union), *Boyer, *Patton, *Cole (Carter), *Kent, *Dunn, *Cantrell, *Huskey, *Hicks, *McKee, *Roach, *Ramsey, *Westmoreland, *Walley, *Peach, *Ford S, *Duer, *Haley, *Clabough, *Kerr, *Shirley, *Bird, *Callicott, *Coffey, *Halteman Harwell.

Rep. Halteman Harwell moved that **House Joint Resolution No. 453** be adopted, which motion prevailed by the following vote:

Ayes..... 96
Noes 0

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Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

***House Bill No. 2234** -- Handicapped Persons - Expands exemption under public property definition where visually impaired persons have priority in operation of vending facilities to include higher education institutions Amends TCA Section 71-4-502(4). by *Rhinehart, *Davidson, *Hargrove. (SB2495 by *Rochelle, *Ford J)

On motion, House Bill No. 2234 was made to conform with **Senate Bill No. 2495**; the Senate Bill was substituted for the House Bill.

Rep. Rhinehart moved that Senate Bill No. 2495 be passed on third and final consideration.

Rep. McAfee moved the previous question, which motion prevailed.

Rep. Rhinehart moved that **Senate Bill No. 2495** be passed on third and final consideration, which motion failed by the following vote:

Ayes	29
Noes	48
Present and not voting	10

Representatives voting aye were: Arriola, Bittle, Bragg, Burchett, Cole (Carter), Curtiss, Davidson, Davis, Dunn, Ford, Fowlkes, Garrett, Halteman Harwell, Hargrove, Hicks, Huskey, Kent, Kisber, Langster, McAfee, McKee, Phelan, Purcell, Rhinehart, Rigsby, Roach, Stulce, Turner (Hamilton), Mr. Speaker Naifeh -- 29.

Representatives voting no were: Beavers, Bell, Bird, Bowers, Brooks, Brown, Buck, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, DeBerry, L., Eckles, Fitzhugh, Givens, Haley, Hassell, Herron, Jackson, Jones, S., Kernell, Kerr, Lewis, McDaniel, McDonald, Newton, Odom, Patton, Peach, Pinion, Ramsey, Rinks, Ritchie, Robinson, Sharp, Shirley, Stamps, Tindell, Turner (Shelby), West, Westmoreland, White, Williams (Union), Windle, Winningham, Wood -- 48.

Representatives present and not voting were: Armstrong, Boyer, DeBerry, J., Gunnels, Head, Jones, U. (Shelby), McMillan, Pruitt, Venable, Whitson -- 10.

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Having failed to receive a constitutional majority, Senate Bill No. 2495 was re-referred to the Calendar & Rules Committee.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from aye to no on House Bill No. 2234 and have this statement entered in the Journal: Rep(s). Langster.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from not voting to no on House Bill No. 2234 and have this statement entered in the Journal: Rep(s). Williams(Williamson).

REGULAR CALENDAR, CONTINUED

***House Bill No. 2060** -- Records, Public - Allows restrictions on access to be placed on archival records donated or sold to public archives for not more than 75 years Amends TCA Title 10, Chapter 7. by *Bragg. (SB2141 by *Womack)

On motion, House Bill No. 2060 was made to conform with **Senate Bill No. 2141**; the Senate Bill was substituted for the House Bill.

Rep. Bragg moved that **Senate Bill No. 2141** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 94
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

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House Bill No. 3161 -- Television, Cable - Creates Class C felony offense of offering any device or advising person on use of device designed to descramble signal carried by cable television company without paying appropriate fees. Amends TCA Section 7-59-109. by *Bragg, *Stamps. (*SB3135 by *Person)

On motion, House Bill No. 3161 was made to conform with **Senate Bill No. 3135**; the Senate Bill was substituted for the House Bill.

Rep. Bragg moved that Senate Bill No. 3135 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Bragg moved that **Senate Bill No. 3135** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	88
Noes	1
Present and not voting	2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, DeBerry, J., DeBerry, L., Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Venable, Walley, West, Westmoreland, White, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 88.

Representatives voting no were: Turner (Shelby) -- 1.

Representatives present and not voting were: Sharp, Whitson -- 2.

A motion to reconsider was tabled.

House Bill No. 3147 -- Insurance Companies, Agents, Brokers - Requires commissioner to examine title insurance rating organizations at least once in four years. Amends TCA Title 56, Chapter 35. by *Buck. (*SB3019 by *Rochelle)

On motion, House Bill No. 3147 was made to conform with **Senate Bill No. 3019**; the Senate Bill was substituted for the House Bill.

Rep. Buck moved that Senate Bill No. 3019, be passed on third and final consideration.

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Rep. Buck moved that Amendment No. 1 be withdrawn, which motion prevailed.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 2.

Rep. Buck moved that **Senate Bill No. 3019** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 95
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 2997 -- Consumer Protection - Enacts "Precious Metals and Stones Consumer Protection Act of 1996." Amends TCA Title 47, Chapter 17. by *Lewis. (*SB2426 by *Cooper)

Rep. Lewis moved that House Bill No. 2997 be passed on third and final consideration.

Rep. Armstrong moved adoption of Consumer and Employment Affairs Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2997 by deleting the original Section 10 in its entirety and by substituting instead the following:

Section 10. A violation of this part shall be deemed to be a violation of the Tennessee Consumer Protection Act of 1977".

On motion, Amendment No. 1 was adopted.

Rep. Armstrong moved adoption of Consumer and Employment Affairs Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 2997 by deleting the amendatory language of House Consumer and Employee Affairs Amendment #1 and by substituting instead the following:

Section 10. A violation of this part shall be deemed to constitute a deceptive or unfair trade practice under the Tennessee Consumer Protection Act of 1977.

On motion, Amendment No. 2 was adopted.

Rep. Lewis moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND House Bill No. 2997 by deleting the last sentence of subdivision (1) of Section 4 of the printed bill.

On motion, Amendment No. 3 was adopted.

Rep. Lewis moved that **House Bill No. 2997**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	91
Noes	0
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, McAfee, McDaniel, McDonald, McKee, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

Representatives present and not voting were: Jackson -- 1.

A motion to reconsider was tabled.

House Bill No. 2187 -- Motor Vehicles, Titling and Registration - Directs the commissioner of safety to report to transportation committees of general assembly concerning fiscal and administrative impacts of special license plates on department of safety and county clerks. Amends TCA Title 55. by *White. (*SB2292 by *Springer)

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Further consideration of House Bill No. 2187, previously considered on today's Calendar.

On motion, House Bill No. 2187 was made to conform with **Senate Bill No. 2292**; the Senate Bill was substituted for the House Bill.

Rep. White moved that Senate Bill No. 2292, be passed on third and final consideration.

Rep. Robinson moved adoption of Transportation Committee Amendment No. 1 as follows:
Amendment No. 1

AMEND Senate Bill No. 2292 by deleting Section 2 in its entirety and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following as a new section to be appropriately designated:

Section _____. (a) Owners or lessees of motor vehicles or recreational vehicles who are residents of the state of Tennessee, and who have attained sixty-five (65) years of age, upon complying with state motor vehicle or recreational vehicle laws relating to registration and licensing of motor vehicles or recreational vehicles, and paying the regular fee applicable to the motor vehicle or recreational vehicle and the fee provided for in § 55-4-203, shall be issued on request a Senior Citizens special license plate, either for an automobile, recreational vehicle, or a truck of one-half (1/2) or three-quarter (3/4) ton rating.

(b) (1) The funds derived from the sale of such Senior Citizens special license plates, less the expense the state has incurred in designing and manufacturing such plates, shall be deposited in the Senior Citizens Center endowment fund established by this section, to be used exclusively for the assistance of the Senior Citizens Centers in Tennessee. The commissioner of human services is authorized to make disbursements from the fund in the form of grants to Senior Citizens Centers in order to provide such assistance.

(2) There is hereby established a general fund reserve to be allocated by the general appropriations act which shall be known as the Senior Citizens Centers fund. Moneys from the fund may be expended to fund activities authorized by this section. Any revenues deposited in this reserve shall remain in the reserve until expended for purposes consistent with this subsection, and shall not revert to the general fund on any June 30. Any excess revenues on interest earned by such revenues shall not revert on any June 30, but shall remain available for appropriation in subsequent fiscal years. Any

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appropriation from such reserve shall not revert to the general fund on any June 30, but shall remain available for expenditure in subsequent fiscal years.

(c) The special plates provided for in this section shall be issued in conformity with the provisions of § 55-4-202, and shall be designed in consultation with the executive director of the Tennessee commission on aging and the director of the motor vehicle division of the department of safety. The special plates shall include a unique identifying number, whereby the total characters do not exceed the sum of seven (7); provided, that no two (2) recipients shall receive identical plates.

(d) (1) The provisions of this section shall not be construed to mean that any eligible person shall be prevented from exchanging a regular type plate for one of special design; provided, that the fees prescribed under § 55-4-203 are paid.

(2) The whole or parts of the fee for a special registration plate shall not be refunded for the exchange of a regular plate.

(e) Additional special license plates may be obtained by any eligible person upon payment of the regular license fee for plates, as prescribed under § 55-4-111, plus the payment of the fee prescribed in § 55-4-203.

(f) (1) Special plates issued pursuant to this section may be transferred to another vehicle of the same weight class owned or leased by the same person upon proper application being made therefore and approved by the department of safety.

(2) It is unlawful for any person to whom such plates have been issued to knowingly permit them to be displayed on any vehicle, except such as authorized by the department.

SECTION 3. Tennessee Code Annotated, Section 55-4-202 (c)(3), is amended by adding a new subdivision as follows:

() Senior Citizens;

SECTION 4. Tennessee Code Annotated, Section 55-4-203, is amended by adding a new item as follows:

() Senior Citizens -- twenty-five dollars (\$25.00).

SECTION 5. This act shall take effect on July 1, 1996, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Ritchie moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Ritchie moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND Senate Bill No. 2292 by adding the following language as new, appropriately designated sections immediately preceding the effective date section and by renumbering the effective date section accordingly:

SECTION ____ Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following as a new section to be appropriately designated:

Section ____ (a) Owners or lessees of motor vehicles or recreational vehicles who are residents of the state of Tennessee, upon complying with state motor vehicle or recreational vehicle laws relating to registration and licensing of motor vehicles or recreational vehicles, and paying the regular fee applicable to the motor vehicle or recreational vehicle and the fee provided for in § 55-4-203, shall be issued a Friends of Great Smoky Mountains special license plate, either for an automobile, recreational vehicle, or a truck of one-half (1/2) or three-quarter (3/4) ton rating.

(b) (1) The funds derived from the sale of such Friends of Great Smoky Mountains special license plates, less the expense the state has incurred in designing and manufacturing such plates, shall be deposited in the Friends of Great Smoky Mountains endowment fund established by this section, to be used exclusively for the assistance of the National Park Service in the care of the Great Smoky Mountain National Park. The commissioner of environment and conservation is authorized to make disbursements from the fund in the form of grants to Friends of Great Smoky Mountains, Inc. in order to provide such assistance.

(2) There is hereby established a general fund reserve to be allocated by the general appropriations act which shall be known as the Friends of Great Smoky Mountains endowment fund. Moneys from the fund may be expended to fund activities authorized by this section. Any revenues deposited in this reserve shall remain in the reserve until expended for purposes consistent with this subsection, and shall not revert to the general fund on any June 30. Any excess revenues or interest earned by such revenues shall not revert on any June 30, but shall remain available for appropriation in subsequent fiscal years. Any appropriation from such reserve shall not revert to the general fund on any June 30, but shall remain available for expenditure in subsequent fiscal years.

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(3) No expenditures shall be made from the interest earned until the combination of principal and interest reaches one hundred thousand dollars (\$100,000). Thereafter, interest and principal earned shall be available for expenditures to aid in carrying out the purposes of this fund, provided that no expenditures shall be made which would leave a balance in the fund of less than one hundred thousand dollars (\$100,000).

(c) The special plates provided for in this section shall be issued in conformity with the provisions of § 55-4-202, and shall be designed in consultation with the executive director of the Tennessee wildlife resources agency, the director of the motor vehicle division and the department of safety. The special plates shall include a unique identifying number, whereby the total characters do not exceed the sum of seven (7); provided, that no two (2) recipients shall receive identical plates.

(d) (1) The provisions of this section shall not be construed to mean that any eligible person shall be prevented from exchanging a regular type plate for one of special design; provided, that the fees prescribed under § 55-4-203 are paid.

(2) The whole or parts of the fee for a special registration plate shall not be refunded for the exchange of a regular plate.

(e) Additional special license plates may be obtained by any eligible person upon payment of the regular license fee for plates, as prescribed under § 55-4-111, plus the payment of the fee prescribed in § 55-4-203.

(f) (1) Special plates issued pursuant to this section may be transferred to another vehicle of the same weight class owned or leased by the same person upon proper application being made therefor and approved by the department of safety.

(2) It is unlawful for any person to whom such plates have been issued to knowingly permit them to be displayed on any vehicle, except such as authorized by the department.

SECTION ___. Tennessee Code Annotated, Section 55-4-202 (c)(3), is amended by adding a new subdivision as follows:

() Friends of Great Smoky Mountains;

SECTION ___. Tennessee Code Annotated, Section 55-4-203, is amended by adding a new item as follows:

() Friends of Great Smoky Mountains -- twenty five dollars (\$25.00).

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On motion, Amendment No. 3 was adopted.

Rep. White moved that **Senate Bill No. 2292**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 94
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

BILLS WITHDRAWN

On motion of Rep. Williams(Union), **House Bill No. 2341** was recalled from the Conservation & Environment Committee and withdrawn from the House.

MESSAGE FROM THE SENATE
March 25, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1336; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to **Rule No. 59**, notice was given that the following measure(s) from the Senate would be considered on March 27, 1996:

House Bill No. 1336: by Rep. Odom

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 342: Rep(s). Robinson, Westmoreland, Williams(Williamson), Shirley, Ramsey, Venable, Rinks and Haley as prime sponsor(s).

House Bill No. 765: Rep(s). Ridgeway as prime sponsor(s).

House Bill No. 2310: Rep(s). Brooks as prime sponsor(s).

House Bill No. 2314: Rep(s). Brooks as prime sponsor(s).

House Bill No. 2364: Rep(s). Brooks as prime sponsor(s).

House Bill No. 2381: Rep(s). Robinson as prime sponsor(s).

House Bill No. 2410: Rep(s). Brooks as prime sponsor(s).

House Bill No. 2679: Rep(s). Brooks as prime sponsor(s).

REQUEST TO BE ADDED AS SPONSOR

The following member(s) requested to add their name(s) as sponsor(s) as indicated below, the prime sponsor having agreed to such addition. Sponsorship was not granted since request was made after passage/adoption of said bill/resolution:

House Bill No. 2925: Rep(s). Brooks.

SPONSORS REMOVED

On motion, Rep(s). Stulce was/were removed as sponsor(s) of **House Bill No. 2501**.

ENROLLED BILLS

March 25, 1996

The following bill(s) have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 2407, 2889, 2925, 3239, 3242, 3253, 3254, 3255, 3258, 3261, 3262 and 3263; also, House Joint Resolution(s) No(s). 420, 467, 468, 470, 471, 472, 473, 478 and 482.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

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SIGNED
March 25, 1996

The Speaker signed the following: House Bill(s) No(s). 2407, 2889, 2925, 3239, 3242, 3253, 3254, 3255, 3258, 3261, 3262 and 3263; House Joint Resolution(s) No(s). 420, 467, 468, 470, 471, 472, 473, 478 and 482.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
March 25, 1996

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 371, 389, 390 and 407; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENGROSSED BILLS
March 25, 1996

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2288, 2342, 3075, 3216, 3249, 3265 and 3266; also, House Joint Resolution(s) No(s). 380 and 449.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
March 25, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2548, 2552 and 2653; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
March 25, 1996

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 354, 356, 357 and 364; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Joint Resolution No. 354 --** Highway Signs - "Brigadier General Austin C. Shofner Highway," U.S.41A from Shelbyville to Moore County-Bedford County line. by *Womack, *Henry.

***Senate Joint Resolution No. 356 --** Highway Signs - "James E. 'Buzz' Elkins Memorial Highway," S.R. 61 from Oak Ridge to Clinton, Anderson County. by *McNally, *Atchley, *O'Brien, *Wilder, *Burks, *Carter, *Cohen, *Cooper, *Crowe, *Crutchfield,

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*Dixon, *Elsea, *Ford J, *Fowler, *Gilbert, *Hamilton, *Harper, *Haun, *Haynes, *Henry, *Holcomb, *Jordan, *Koella, *Kyle, *Leatherwood, *Miller J, *Person, *Rice, *Rochelle, *Springer, *Wallace, *Womack, *Wright.

***Senate Joint Resolution No. 357** -- Highway Signs - "Dr. J. H. Gammons Memorial Bridge," French Broad River, S.R. 168, Knox County. by *Atchley.

Senate Joint Resolution No. 364 -- Naming and Designating - "Victims Rights Week," April 21-27, 1996. by *Burks, *Gilbert, *O'Brien, *McNally, *Wallace, *Dixon, *Elsea, *Jordan, *Springer, *Kyle, *Crutchfield, *Atchley, *Cooper, *Holcomb, *Miller J, *Haun, *Fowler, *Carter, *Rice, *Womack, *Crowe, *Harper, *Person.

MESSAGE FROM THE SENATE

March 25, 1996

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2000, 2028, 2134, 2406, 2776, 2857, 3011 and 3024; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 2000** -- Sunset Laws - Department of mental health and mental retardation, June 30, 2004. Amends TCA Title 4, Chapters 3 and 29. by *Haynes.

***Senate Bill No. 2028** -- Sunset Laws - Department of mental health and mental retardation, board of trustees, June 30, 2004. Amends TCA Title 4, Chapter 29, and Title 33, Chapter 1. by *Haynes.

***Senate Bill No. 2134** -- Health - Establishes brain trauma registry to collect and disseminate information on incidence, victims, and agencies of traumatic brain injury. Amends TCA Title 68, Chapter 55, Part 2. by *Person.

Senate Bill No. 2406 -- Tort Liability - Clarifies that acts of defendant, prisoner or inmate released under certain programs do not create civil liability against state. Amends TCA Section 9-8-307. by *Rice.

***Senate Bill No. 2776** -- Taxes, Sales - Redefines "farm equipment and machinery" to include livestock trailers for sales tax purposes. by *Springer.

***Senate Bill No. 2857** -- Medical Occupations - Requires committee of physical therapy to meet twice, rather than once, a year to test applicants for licensure. Amends TCA Title 63, Chapter 13. by *Haynes, *Rochelle.

***Senate Bill No. 3011** -- Parks, Natural Areas Preservation - Adds portion of Clinch River from Melton Hill Dam upstream to Pellissippi Parkway to Class III developed river areas Amends TCA Title 11, Chapter 13, Part 1. by *Gilbert.

Senate Bill No. 3024 -- Aged Persons - Establishes respite care program in Gibson County; appropriates \$25,000 to fund such program. by *Carter.

ROLL CALL

The roll call was taken with the following results:

Present 97

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

RECESS MOTION

On motion of Rep. Purcell, the House recessed until 2:00 p.m., Wednesday, March 27, 1996.